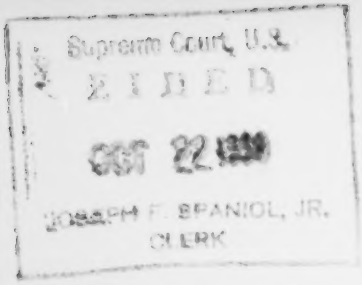
90-751



NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

O. R. KARST,

Petitioner,

VS.

JOHN WOODS,

Respondent.

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF CALIFORNIA
FIRST APPELLATE DISTRICT DIVISION FIVE

PETITION FOR WRIT OF CERTIORARI

OF COUNSEL :

O. R. KARST

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Albany, CA. 94706

Tele-I-415-526-8500

PRO-SE

THE QUESTION PRESENTED

QUESTION NO. I

That the Defendant,s case had been re-opened to access futher damages by the plaintiff in Calif Superior Court,The Court of first apperance, under the jurisdiction of the new Judge Sawyer That he knew or should have known the abstract of the case he was about to rule upon, That the judgment was of a Void Default, Void Default Judgment, and without No-Consequence, That the jurisdiction of the Calif Constitution, Calif statorty laws, Due process of law C.C.P. sect trial, C.C.P. section 473 (3), (4). and the right to independent action exist in Defendant action, That the jurisdiction of Calif law exist in Defendant,s case, The jurisdiction of the Judge exist in the EQuity of these Calif rights That the jurisdiction of relief shall be given in his Court, The Court of first apperance.

QUESTION NO. 2

That the jurisdiction of Calif appellate Court rule I7 (b) exist in this appeal, and the EQ-uity of this Calif right. That the Respondent Plaintiff in this appeal had no jurisdiction because he had failed to answer the appeal, failed to answer the order sought to be appealed from, and under Calif appellate rule of Court had abandoned his appeal and the jurisdiction there in, That this Calif appellate Court comm-itted an revocable error to dismiss the juris-diction of Defendant,s appeal in favor of plai-ntiff,s abandoned jurisdiction.

QUESTION NO. 3

That the jurisdiction of Calif Constitutional Laws, rules to a court trial, Statutory C.C.P. section 473 (3), (4) exist in this appeal, That the abstract of the records that the Court was about to rule upon that the Judgment in this case was of a Void Default, a Void Default Judgment, taken by a Un-Noticed motion, at a Un-Noticed Hearing, and without trial, That

there exist jurisdiction of Appellate Court,s EQuity to these rights, and shall in the futherance of these rights grant the relief sought by the jurisdiction to the laws, That this Calif Appellate Court committed an revocable error to dismiss Defendant,s appeal in favor of a abandoned Plaintiff.

QUESTION NO. 4

That the jurisdiction of Calif Supreme Court to

(a) Secure Uniformity of Decision,

(b) Settlement of Question of Law.

(c) Concurrence to Calif Constitutional Laws, Rules of Court, Statutory Laws to a Trial Statutory C.C.P.section 473 (3), (4).

(d) To uphold the U.S. Constitution.

That the jurisdiction of the Calif Supreme Court exist in the EQuity to these rights, That the Calif Supreme Court committed an revocable error to uphold the dismissial of Defendant-Appellant,s appeal in favor of the Defaulted-Respondent.

QUESTION NO. 5

Is the jurisdiction of this Calif Defendant - Appellant, Who,s State has clearly Deprived him of all of His State,s rights, Due Process of Law EQual rights, Property rights, Calif Constitutional Law, and the Federal Constitutional Laws The Jurisdiction to come before the U.S. Supreme Court to seek manatory EQuity Rights.

QUESTION NO. 6

Is the Jurisdiction of the U.S. SUPREME COURT TO:

(a) Secure the Uniformity of Decision.

(b) Settlement of QUestion of Law

(c) Secure Calif Jurisdiction to the Law.

(d) Secure Federal Jurisdiction under :

U.S.Con Am. 5th, 7th, I4th.

F.R.C.P. rules, 55 (c) (2), 60 (b) (4).

(e) Secure U.S. Supreme Court,s EQuity Rights.

RULE I5, I, (b) Footnote "Reference is hereby made, that earlier documents contains the caption of the case in this court and the names of all such parties sought to be reviewed by this court, in addition to the proceedings are party to but not a party of (a) Mrs Kathleen M. Karst, 9I0 Pierce St. Albany,Ca 94706,tele-I-4I5-525-9472-unl. "

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jurisdiction 2d sect 3522, 2303"

7. th Constitutional admendment
"Wright-Miller fed practice and procedure
civil sect 2303, 23I7, 2485, 2522."
"72 yale I.j. 655, (I963)"
"74 harv I. rev. II76"

I4. th Constitutional Admendmert
"Wright-Miller Kane practice and proc
civil 2d sect 2769, 28I4."

F.R.C.P. Rule 55 (c) (2)
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"6 am jur 2d sect I4"
"27 alr fed 620-625."
"29 alr fed 7 sect 8 ,a6
"5I alr 2d 830-837, 842"
"20 alr sect II79"
"75 alr 3d sect 89I"
"I6 alr 3d sect 27I"

F.R.C.P. Rule 60 (b) (4)
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"I5 alr fed I93-203"
"46 am jur sect 708-7I8"
"47 am jur 2d sect II52,II78,II79"
"85 alr 442"
"59 alr fed 83I"
"I5 alr 3d 586"
"8I alr 2d 537"

A REFERANCE TO THE OFFICIAL AND UNOFFICIAL

REPORTS OF ANY OPINIONS DELIVERED :

NO.I

In that Judge Sawyer, The Judge of First Apperance in this Appeal, as to claim in his Court, That he had made a review of the file in this appeal, That Judge Sawyer abused his decreation that he knew or should have known from the review of Defendant,s file, That Defendant,s Default Judgment acording to Calif Statutes, rule of Court, Constitutional Provision where indeed Void, and of No ConseQuence as such, That he Had sworn to uphold the State and Federal Constitutional Laws, thereby to have Violated his Swornen Judicial Oath,in favor of a Void Default.

NO. 2

In that the Calif Court of Appeal, First Appellate District (div 5) the Court of First Appeal That Presiding Justice Low dismissed Defendant -Appellant,s appeal due to non appealability of the Order, Denying Reconsideration, Presiding

Low abused his Deceration, That he knew or should have known from the appeal, That the Respondent in this appeal had failed to answer his appeal, had failed to file Respondent,s Reply Briefs, had failed to support the order appealed from, That Respondent had abandoned the appeal, That his appeal was in Default under Calif rules of Court I7 (b), and that the matter be now submitted on the opening brief, timely submitted and filed by the Defendant-Appellant That the Court accepts statement of facts, The correctness of statement of the submitted opening briefs, That the Presiding Justice acting without Quorum, acting contrary to Appellate rules of Court, in Violation of rules, Collaborated beyond Appellate rules of Court, The State Constitution, Calif Oath of Office, Acted to Violate these Rules in Favor of the Defaulted Respondant, That Defendant-Appellant,s Petition for Rehearing in this Appeal was also Denied by this same Appellate Court.

NO. 3

In that Calif Supreme Court, The Court of Finial Apperance in the State of Calif, Denied Defendant-Appellant,s Petition for Review, That the Calif Supreme Court abused their Descreation, That the Court knew or should have known from the appeal, That the Respondent,s appeal was in Default, That he had failed to Answer the order appealed from, That the Calif Appellate Court had abused their Descreation, That lacked the Concurrence of the ReQuired Majority of Qualified Judges, Did not Secure Uniformity of Decision, and Settlement of Question of Calif Law and that the Calif Supreme Court,s Responsibility to enforce these Calif Laws under State and Federal Constitutional Laws.

A CONCISE STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS COURT IS INVOKED, AND THE NATURE OF THE PROCEEDING, THE STATUTORY BASES FOR FEDERAL JURISDICTION :

That the Calif Defendant-Appellant, in this appeal to the U.S.SUPREME Court was Denied, was Deprived of his Calif State Constitutional rights and Privillege, That in the Causesation of this Appeal, now before the U.S.Supreme Court are grounds to Invoke this Court, That the Plaintiff in this case "RE OPENED" Defendant,s Case, with a New Judge, to asscess futher Damages, The new Judge Sawyer, knew or should have known, That the Case he was about to rule upon, Was a Void Default Judgment, and under Calif Laws of No-ConseQunce, and the jurisdiction of Calif Law was to Grant Relief to the Defendant, Judge Sawyer therefor abused his Decreation, and Denied the Defendant of his State and Federal rights under the State and Federal Laws.

NO. 2

That the Defendant-Appellant appealed to the

Calif Appellate Court, That this Appellate Court also Deprived this Defendant-Appellant from Due Process of Law, That Appellate Court knew or should have known that the Respondent had failed to answer the Order Appealed from, Had Abandoned the Appeal, That the Jurisdiction of Calif Appeallate laws was to grant Relief to the Defendant under Appellate rules, The Appellate Calif Court Deprived the Defendant-Appellant of Due Process of Law, an Abuse ofDecreation, in the Dissmissal of Defendant,s Appeal.

NO. 3

That the Defendant appealed to the Calif Supreme Court, That the Calif Supreme Court Deprieved the Defendant from Due Process of Law, That the Calif Supreme Court knew or should have known that the Appellate Court had Involatary Dismissed the Defendant,s appeal contrary to any and all Calif rules of Court, Statutory Provisions, State and Federal Constitutional Laws, That the Respondent had not answered the Appellant,s Appeal, or the Order sought for Review, and that Res-

pondent,s Appeal was abandoned, and in Default, That the jurisdiction of the Calif Supreme Court was to Grant Relief to the Defendant under Supreme Court, Appellate Rules, The Calif Supreme Court Deprived the Defendant of Due Process of the Law, EQual Rights, Uniformity of Decisions an abuse of their Decreation, to uphold the Dismissal of Defendant,s Appeal.

NO. 4

The Grounds for Jurisdiction in the U.S.Supreme Court are Statutory bases for Federal Jurisdiction in this Case is the Jurisdiction to uphold the right of this Defendant, a Citizen in the jurisdiction of Calif State Courts, whom has been denied, or Can Not Enforce in the Court of such State a right under Any Law Providing for his Due Process of Law, Equal rights, Property rights, and as to have Adbridged his rights to Calif State Constitutional Laws, Statutes, Rules of law, and Can Not Enforce for Effective Relief from the Defective, Void Default, Void Default Judgment, And the Injury Sustained there

from, Federal Jurisdiction as under the U.S.Constitution, 5th, 7th. I4th,Admend, F.R.C.P. rule 55 (c) (2), Rule 6o (b) (4).

THE DATE OF THE JUDGMENT OR DECREE SOUGHT TO BE REVIEWED, THE DATE OF ANY ORDER RESPECTING A HEARING, DATE THE NOTICE OF APPEAL WAS FILED, AND THE COURT IN WHICH IT WAS FILED.

I. Dec 29 83 Superior Court, Calif, NO. I3II22 Defendant,s "Un_Noticed Default Hearing"

2. Dec 30 83 Superior Court, Calif, NO. I3II22 Defendant,s "Un-Noticed Default Judgment Entered"

3. Dec I3 89 Superior Court, Calif, NO. I3II22 Defendant,s "Case Re-Opened to Access futher Damages"

4. Jan I9 90 Superior Court, Calif, NO. I3II22 Defendant,s "Case Denied Reconsd"

5. Feb I5 90 Superior Court, Calif, NO. I3II22 Defendant,s "Notice of Appeal"

6. Feb 20 90 First Appellate District, Calif I-Civil-A-048679, "Defendant,s Appeal, Lodged and Received"

7. Apr 26 90 First Appellate District, Calif I-Civil-A-048679, "Defendant,s Lodged Appellant,s Briefs"

8. Jun 8 90 First Appellate District, Calif I-Civil-A-048679, "Defendant,s Appeal is Dismissed"

9. Jun 28 90 First Appellate District, Calif I-Civil-A-048679, "Defendant,s Petition for Rehearing Denied"

I0. Aug 22 90 Calif Supreme Court NO. SOI6570 "Defendant,s Petition for RE-View Denied"

THE STATUTORY PROVISION BELEIVED TO CONFER JURISDICTION OF THE APPEAL, AND THE CASES BELEIVED TO SUSTAIN JURISDICTION, TO THE UNITED STATES SUPREME COURT.

I. The U.S.Constitution.
2. The U.S.Const.Amend, 5th, 7th, I4th.
3. F.R.C.P. Rules,55 (c) (2), 60 (b) (4).

4. Cases beleived to Sustain Jurisdiction

"WITH OUT KNOWLEDGE"

(a) Edson v Edson I08 Mass 590
(b) Harjo v Johnson I87 Okla 5 6I I04 p2d 985
(c) Reeder V Marshall 2I4 Ore I54 328 p2d773
(d) Taft v Taft 252 Miss 204 I72 So 2d 403
(e) Walker v Hall I76 Ga I2 I66 se 757

SET ASIDE DEFAULT F.R.C.P. Rule 55 (c) (2)

(a) Anderson V Taylorcraft Inc I96I dc pa I97fs872
(b) Ashley v Hyde 6 Ark 92
Broglie v MacKay 23 FR Ser 2d (DCWD Va I977.
(d) Dalton V Alex I0 I11 ap2d 273 I35 ne 2d I0I
(e) Murray V Hurst I63 Md 48I I63 A I83
(f) Peterson V Millian 70 Sd 56 I4 nw 2d 97
(g) Reynolds V Birmingham29Al ap505 I98 so 360
(h) Roges V Lyle 70 Nm 209 372 p 2d 797
(i) Shaul V Col fuel co 43 Wyo 549 30 p2d 478
(j) Stuski V U.S.Line 6fr se2d I03I 3Ifr I88 PA
(k) Teal V King Fa CO 2I Fr Se 682 DCED Pa I955
(l) Tweed V Lockston 35 Del 474 I67 a 703
(m) Eisler V Stritzler I2FR S2d II6I 45 Fr27 D68
(n) Nelson V Coleman IIFR S2d I393 4I FRD 7 D66

RELIEF FROM DEFAULT, DEFAULT JUDGMENT,F.R.C.P. Rule 60 (b) (4)

(a) Kem Mar Air V Tolk Air I952 dc Md I2 Frd399

(b) Loranger V Alban 22 Nj Su 336 92 a2d 2I cj282
(c) Phoenix Metal V Roth 79 Ar I06 284 645
(d) Ross V White 46 Ar 304 50 p 2d I2
(e) Salter V Bd Com Jeff Co I952 I26 Co 39 246
(f) Shannon V Norman bl inc Ri I969 256 a2d 2I4
(g) White V Crandall I05FL 70 I37 50 272 I43 80 87I
(h) Yeast V Fleck I942 58 Ar 469 I2I p2d 426

RELIEF FROM THE DEFAULT, RELIEF FROM THE DEFAULT JUDGMENT RULE STATE OF CALIF C.C.P. 473 (3) (4)

(a) Baird V Smith 2I6 Ca 408 I4 p2d 749 I932
(b) Crofton V Young 48 Ca a2d 452 II9 2d I003 I942
(c) Los Angeles V Morgan I5 Ca a2d 726 234 p2d 3I9 I95I
(d) People V One I94I Chrysler 8I Ca a2d I83 p2d 368 I947
(e) Miller V Cortese II0 Ca 2d I0I 242 p2d I952
(f) Winkoven V Winkoven 20I f2d I74 Ca 9th

RELIEF FROM THE DEFAULT, RELIEF FROM THE DEFAULT JUDGMENT, RULE F.R.C.P. 55 (c) (2), 60 (b) (4) FEDERAL COURTS.

"U.S. DISTRICT COURTS"
(a) N.Y. U.S. DISTRICT COURT S.D. NEW YORK
Leab V Streit 584 F supp 748 I984
Triad V McNell II0 Fdr 382 Sd NY I986

U.S. COURT OF APPEALS
(a) D.C.WASHINGTON
Austin V Smith ca I962 3I3 f2d 337 II4
Wise V Herzog II4 f2d 486
(b) 2nd CIRCUIT
Davis V Musler 7I3 f2d 907 2nd cir I983
Gill V Stolow 240 f2d 669 2nd cir I957
(c) 3rd CIRCUIT
Hritz V Woma cp 732 f2d II78 3rd I884
Hutton V Fisher 359 f2d 9I3 3rd ci I966
(d) 7th CIRCUIT
Textile V Rentschler 657 f2d 844 7th I98I

(e) 8th Circuit
Com CA ins Co V White Line T and S CO I94i
ca 8th Iowa II4 f2d 946

(f) NEW MEXICO SUPREME COURT
Adams, McGahey V Neill 58 Nm 782 276 p2d 9I3

(g) UNITED STATES SUPREME COURT
Bass V Hoagland 338US 8I6 94 Led 494 70 St 57
Hovey V Elliot I67 US 409 42 LD 2I5 SC 8II
McDolald V Mable I9I7 243 US 90 37 S ct
343 6I Led 608
Winsor V Mc Veigh 93 US 277 23 Led 9I6

THE CONSTITUTIONAL PROVISION THAT THE CASE

INVOLVES, PERTINERT TEXT :

(I) The U.S.Constitution

(2) 5th Amendment
Due process of law "in part" nor be deprived of life, liberty, or property, without due process of law

(3) 7 th Amendment
"Civil trial, in part, in suits at common law, where the value in constroversy shall exceed twenty dollars, right to trial by jury shall be preserved"

(4) I4 th Amendment
"in part which holds, due process of law nor shall any state deprive any person of life, liberty, or property, with due process, EQual protection, nor deni to any person within its jurisdiction the EQual protection of the law "

(5) Federal Rules of Civil Practice: "Inpart"

Rule 38 "Jury trial"

Rule 55 (c) (2) "Default, Setting aside the default"

Rule 60 (b) (4) "Relief from the Judgment or Order, Mistake"

(6) State of Calif

C.C.P. section 473 (3), (4)
"in part which holds relief from the judgmen taken by surprise, Vacating the void judgment, Set aside the void judgment or order"

Appellate, Supreme Court Rule I7 (b)
"in part which holds relief from respondent,s brief not filed, acept true statement appellant,s brief as facts in the appeal,"an abandoment" of respondent appeal" " the case for decision on the recoed and on the appellant,s opening brief"

A CONCISE STATEMENT OF THE CASE CONTAINING THE FACTS MATERIAL TO CONSIDERATION OF THE QUESTION PRESENTED :

That the appellant in this appeal, was the def - endant in an Calif Superior Court, the Court of the first appearance, That the plaintiff in this case now in Superior Court case No I3II22 was awarded a Void Default Judgment, heared on Dec 29 83, I was not noticed of my default hearing, was not able to defend my self, Calif law C.C.P. section 473 (3), (4) provides relief from un-noticed hearing and stands as a Void Default, as a Void Default Judgment, and has no-timely end as such, under the Calif constitution, statute, rule of Court, as well as federal law, rule 55 (c), (2), 60 (b) (4), and the Relief there from, I must point out, to the U.S. Supreme Court, That I have been Denied relief from this Void default, the Void default Judgment by the Calif Courts, There by I have been Deprived of Due process of law, EQual rights,

Property rights, EQual protection, under State and federal Constitutional law, Statutes and rules of law, Fulley protected by the States,s Uniformity of Decision, Jurisdiction in any Calif Court, Jurisdiction in the U.S.Supreme Court untimely Preserved and Protected, That in the furtherance of material facts, That on Dec I3 90, Plaintiff again sought futher orders and Determination for Damages in this case, That the new Judge knew or should have known, based upon his claim of the review of the case That the Judgment he was about to rule upon was a Void default default, a Void default judgment under Calif C.C.P. section 473 (3), (4) well documented in the Case, And to Grant the Relief as reQuired by the statutory laws, both State and Federal. The case being opened by this Plaintiff seeking futher Damages now brings on the material facts to relief that Any Defendant is entitled to, The futherance of material facts that this new Judge should have given Relief from the Void default, default Judgment.

(2) That in the futherance of material facts, That on Feb 20 90, The Defendant filed an appeal in Calif First Appellate District (div 5), That I filed a timely appellant,s opening brief April 26 90, with material facts submitted, That this Appellate Court knew or should have known from the documents submitted, a review of the case history, the abstract of a Void default Judgment was some how granted in the Court of First apperance, That my Judgment was Void under the State of Calif Constitution, Statutory rules of Court, Uninforceable, To uphold the Inherated power of the Appellate Court, To Vacate, To set aside any Void Default Judgment, To uphold the State Constitution, As not to Deprive the Defendant of his State,s rights, Due process of law, Lend the Appellate Court to do Justice, and grant relief from Injustice.

(3) That in the furtherance of material facts, That on Jun 8 90 Calif First Appellate District Court (div 5) Dismissed my Appeal, That this Appellate Court knew, or should have know,

from the documents submitted, That the Respondent had failed to answer the Appeal, had failed to answer defendant,s-Appellant,s opening briefs, had failed to answer to support the order appealed from and as such under Appellate Court rule I7 (b), the Respondent had abandonment his appeal, That the Application of Appellate Court rule I7 (b) , That this Appellate Court shall accept statement of Facts which appeared in appellant,s opening briefs, To assume Correctness of statement of the facts, and that the Reviewing Court is under No-Duty to search To seek out a point of law in flavor of a Defaulted Respondant, To Violate their own rules, To Prejudice the unifromity of decision, Settement of inportant Questions of law, That there are no material facts that would allow the Dismissal of My Appeal. Calif Statutory Laws mandates the Dismissale as Moot and of No Consequence.

(4) That in the futherance of material facts, That I petition Calif First Appellate District

Court (Div 5) for a rehearing of my dismissed appeal, That I submitted ample evendence, that this court had errored in the decision of Dismissale, That the Respondant was in Default, That he had failed to answer the appeal, had failed to answer my opening briefs, had failed to support the order appealed from, And under Appellate Court Rules I7 (b) had Abandoment his appeal, And that this Appeallate Court accept statement of facts in appellant,s opening briefs, To Assume Correction of statement of the facts, and there being no material facts that would allow the dismissal of my appeal, and that this Court is under No-Duty to search the records, as to Violate their own rules, To Prejudice the uniformity of Decision, Inportant Question of law, That this Appellate Court abused there Decreation in there Denial of my petition for rehearing,Dated Jun 28 90.

(5) That in the Futherance of Material Facts, That I petition the Supreme Court of the State Calif for a review from the Decision of the Court

of Appeals, First Appellate District (Div 5) That I submitted ample evendence in my petition for review under Calif rule of Court 28 (e) (2) (5), Where it appears necessary to secure unformity of Decision, or settlement of inportant Question of law, lacked the concurrence of the requred majority of Qualified Judges, Lacks unformity of an appeal, concurrence of Quorum, uniformity of Statutory law, uniformity of a Void default, Void default Judgment againts the Defendant, and the uniformity to grant relief, and in the furtherance of the material facts, That the Presiding Justice of the Appellate Court Collaborated beyond the Records, and as a Personal Bias, Bend of Mind, to Impede his Judgment, and without a Quorum, Searching the abandonmented appeal, as a Personal Prejudice, Abused his Decretion Intentionally Engaging in Bad-Faith, Collaborated Favoritism for the Defaulted Respondent, There is No-Creditability in the Dismissale of Defebdants,s Appeal, That the Respondent in this Appeal had failed to answer

the appeal, the order appealed from, had abandoned his appeal, The Dismissale of my Appeal as an abuse of Decretion of the Appellate Court And that the Calif Supreme Court was needed to Preserve and to Protect the Unifromity of Decision, Settlement of Inportant Question of Law, Lacks the Concurrence of the Required Majority of Qualified Judges, and the Uniformity to grant Relief, That the Calif Supreme Court Abused their Decreation in there order Denying Review of the Court of Appeal, Dated Aug 22 90

A STATEMENT OF THE REASONS WHY THE QUESTION PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION :

REASON NO. I. There is No Question in this case That I have been Deprived of all of my Calif Constitutional rights, Federal Constitutional rights, Due process of law, Equal protection, Property rights, A Void defendant,s Default, Default Judgment, And the Relief of INjury there from, That in the Court of first apperance, That

the Judge Re-opening of my Case knew or should have known, That my Judgment was Indeed A Void Default, A Void Default Judgment under Calif Statutory C.C.P. section 473 (3), (4). To Uphold State and Federal Constitutional laws, Thus under either Calif law or Federal laws, Relief must be given, Seemly his Denial to grant Relief an abuse of Decreation, Not in the Conformity to State or Federal laws, Contrary to law, as to deceive State and Federal Systerm of Justice Adbridged of State, Federal Const. rights.

REASON NO. 2. There is No Question in this case That Calif Court of Appeals has Abused their Decreation, Lacks the Unifrmity of an appeal, of a Decision, Settlement of inportant Question of law, Concurrence of a Quorum, an Void Default an Void Fefault Judgment, That this Calif Appellate Court knew or should have known, That Respondent,s case was in Default to their Court That he had failed to answer the order appealed from, and had abandoned the appeal, and to uphold State and Federal Constitutional laws, under

either Calif law or Federal Law, to grant the relief from the Court of first apperance, The defendant,s Void Default Judgement.

REASON NO.3 . There is no Question in this case That Calif Supreme Court has abused their Decretion Lacks the Unifromity of an appeal, To Secure Unformity of decision, the Settlement of Inportant Question of the law, Unifromity of my Void Default, My Void Default Judgment, The Uniformity to Grant Me Relief, That the Calif Supreme Court knew or should have known that the Court of first apperance had issued an Void default, a Void Default Judgment againts the Defendant, And that it had failed to grant the relief under Statutory Laws. And that the Appellate Court had abused their Decretion to uphold the Void Default, Default Judgment, And that the Calif Supreme Court has abused their Decretion, to uphold the Court of first apperance, the Court of first appeal, and as not grant relief as provided under Calif Constitutional Laws.

REASON NO. 4. There is No Question that the Court of first apperance, Appellate Court of Calif, The Supreme Court of Calif, has been a Violation of Calif Court,s rules, An abuse of their Decretion, Unlawfull proceeding, as to Deceive the Systerm of Justice, Plagued by the Deficiencies of Injustice but a Crusade of Court Malpractice each Court somehow adding to the Malpractice in its own Distintive way, That the Calif Courts in this Appeal have Deprived me of My State and Federal Constitutional Rights, To My Due Process, To My Eoual Rights, To My Matter of Rights, To My Matter of Law, TO My Property Rights.

REASON NO. 5. There is No Question, That this defendant has no other, Plain, Speedy, Or Adeouate Remendy in the Ordinary Course of Law, other than by this Appeal to this Honorable Supreme Court, That this Court is now Needed to do the many things that now need to be done in this Appeal, Shall Now Rise to the Issue of State and Federal Laws, To Secure the Particular Many

Question, To secure uniformity of Decision, Settlement of Question of Law, The Jurisdiction of Myself, To My State, and to my Federal rights To My Due Process of Law, Equal Rights, Properity rights, and as so Substantial Challenged in this Appeal, That My Void Default, My Void Default Judgment be Dismissed with Prejudice in the Court of First Apperance, That I have Been Injured, as to Set-Aside the Court Action, attributed to this Honorable U. S. SUPREME COURT, That I have a Clear and Precise Right for the Issuance of this Decision.

AMPLIFIED CONCLUSION

It now, being a fact, That Calif,s Court of First apperance, Departed from the Accepted and usual course of Judicial Proceedings, When the Court Sanctioned a Default, A Default Judgment againts a Defendant whon had not been Noticed of his Default Hearing, Whom had a Meticulous Defence, and the Out-Come would have been Differant, Had He been able to Defend Himself, Such a Departure

by the Lower Court, As to call for an Exercise of this Court,s Power of Supervision, and that it Shall not Go Unnoticed, That Calif Court of Appeal, The Supreme Court, continued this Crusade of Court Malpractice, and have Departed from the Accepted, and usual course of Judicial Proceeding to Sanction the Default, Default Judgment, obtained at an Un-Noticed Default Hearing, Seminly incapble, to Vacate, to Set-aside this Void Default, Default Judgment, As to Deceive the Systerm of Justice, As to now call for an Exercise of this Court,s Power of Supervision, For these Reasons, A Writ of Certiorari should be Granted, To Review the Judgment of the Court of Appeal of Calif, First Appellate District, Division Five.

RESPECTFULLY SUBMITTED.

BY. O R Karst

OF COUNSEL: PRO SE, O. R. KARST
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APPENDIX

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On Document Denied;	NO. I0
On LIS PENDENS	No. II
ON Appeal from Superior Court	No. I2
On Appeal is Lodged	No. I3
On Opening Briefs Lodged;	No. I4

APPENDIX NO. I.

FIRST APPELLATE DISTRICT, Div.5 No. A 048679

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Appeal from Calif Sonoma County
Superior Court No. I3II22.

BY THE COURT :

The Appeal is Dismissed.

Dated Jun 8 I990 /s/ LOW
Presiding Justice

APPENDIX NO. 2.

COURT OF APPEALS OF CALIF.

FIRST APPELLATE DISTRICT, Div. 5 No.-A-048679
Superior Court-I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Appeal from The Petition for Rehearing
First Appellate District, Div. 5 No.-A-048679

BY THE COURT:

The Petition for Rehearing is Denied.

Dated Jun.28 1990 /s/ LOW
Presiding Justice.

APPENDIX NO. 3.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
In Bank SOI6570
First App District A048679
Superior Court I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Appeal from The Petition for Review
First Appellate District, Div. 5 No.-A-048679

BY THE COURT:

Appellant,s Petition for Review Denied.

Dated Aug 22 I990 /s/ LUCAS
Chief Justice

APPENDIX NO. 4.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Law and Motion Calendar Proceeding;

By the Court;

Court takes this Matter under Submission, The

Motion to approve, Set Aside, Compel Satisfaction

Dated Dec II I989 Laurence K. Sawyer Judge

APPENDIX NO. 5.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Order after Hearing of Dec II I989

BY THE COURT:

Court orders Plaintiff to pay Defendant in accordance of Court order Dated Dec II I985, Abstract of Judgment and Writ of Execution Set-Aside, Defendant orded to execute satisfaction of Judgment.

Dated Dec I3 I989 /s/ Laurence K. Sawyer
Judge Superior Court

APPENDIX NO. 6.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Motion For Reconsideration

BY THE COURT:

Court Denies the Motion

Dated Jan I9 I990 Laurence K. Sawyer
Judge Superior Court

APPENDIX NO. 7.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

ON EX-PARTE ORDER:
That Defendant O. R. KARST, Shall be Noticed of His Default Hearing, Served on the Defendant, at least five (5) days prior of said Default Hearing, Set to be Heard on Dec 29 I983.

Dated Dec I6 I983 /s/ William L. Bettinelli
Judge Superior Court

Defendant has not been NOTICED OR SERVED

Dated Dec 29 I983 William L. Bettinelli
Judge Superior Court

APPENDI, NO. 8.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Law and Motion Calendar Proceeding:
To Strike Answer, ReQuest to enter Default Judgment, Fix Attorney,s fees, Date Dec 29 I983.

BY THE COURT: The Following;
(I) That the Defendant had not been Noticed,
(2) All answers to complaint will be striken EX Parte by this Court
(3) Enters the Default againts the Defendant O. R. Karst
(4) Default Judgment in relation to complaint.
(5) Sets date of Jan I3 I984 enter the Default in Court,s record of Default.

Dated Dec 29 I983 William L. Bettinelli
Judg Superior Court

APPENDIX 9.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. 131122

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

On Order after Hearing of Dec 29 1983

BY THE JUDGE:

IT IS HEREBY ORDERED: (1) That Defendant,s Default shall be and is hereby entered. (2) All Documents Filed hereby Stricken (3) Default shall be entered into the Court,s Book of Default. (4) Fix Attorneys Fees.

Dated Dec 30 1983 /s/William L. Bettinelli
Judge Superior Court

APPENDIX IO.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

TO THE COURT:

BY THE DEFENDANT:

That Defendant O. R. KARST, Notifies this Court that Defendant had not been Noticed to appear at his Default-Hearing, Governing Law C.C.P. section 473 (3), (5), provides that Defendant,s Default, Default-Judgment, be Set Aside.

Dated I-9-I984 /s/ O. R. KARST
Defendant

That Document filed by the Defendant O.R. KARST is hereby Denied /s/ William B. Boone
Judge Superior Court

Dated Jan I3 I984

Appendix II.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

TO THE COURT:

BY THE DEFENDANT :

That Defendant O. R. KARST, Notifies this Court ;

Of Defendant,s Recorded " LIS PENDENS " IN Tuolumne County Recorde affecting title to real property, lot I42, Rustic Road, Pinecrest, Calif which is now pending in this Court, this notice was given to plaintiff John Woods.

RECORDED AT REQUEST OF GRANTOR
Vol 737, page I04, I984 Jan I0 pm 3;39
Official Records, Tuolumne County,Calif
David W. Wnne

RECEIVED Sonoma County Clerk. Dated Jan 9 I984

/s/ Deputy Clerk
Superior Court

APPENDIX I2.

IN THE SUPERIOR COURT OF CALIFORNIA
Sonoma County NO. I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

TO THE COURT :

BY THE DEFENDANT :

That Defendant,s case has been re-opened in this Superior Court on Dec II I989 for futher damages That Defendant O. R. KARST, Appeals from this Court,s Order after Hearing of Jan I9 I990.

Dated Feb I5 I990 /s/ Eeve T. Lewis
County Clerk

APPENDIX I3.

COURT OF APPEALS OF CALIF.

FIRST APPELLATE DISTRICT, Div.5 No. A 048679
Superior Court-I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

TO THE COURT :

BY THE APPELLANT :

That O. R. KARST, Appellant-Defendant, appeal

is Lodged and Received

Dated Feb 20 I990 /s/ Ron D. Barrow
clerk

APPENDIX I4.

COURT OF APPEALS OF CALIF.

FIRST APPELLATE DISTRICT, Div.5 No. A 048679
Superior Court-I3II22

JOHN WOODS, Plaintiff and Respondent,

VS.

O. R. KARST, Defendant and Appellant.

FROM THE COURT :

That O. R. KARST, Defendant and Appellant has now Lodged and Filed His Opening Briefs.

Dated April 26 I990 /s/ Ron D. Barrow
clerk